IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 22606 of 2003(N)

PETITIONER:

R.BABURAJ, S/O. SREEDHARAN,
RAMODY HOUSE, NAYARAMBALAM P.O., COCHIN TALUK.

BY ADV. SRI.T.I.DANIEL
SRI.JOYAN P. ANTONY

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE JOINT SECRETARY, LABOUR AND
REHABILITATION (R) DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
PALARIVATTOM, COCHIN-25.

R2 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
R1 BY GOVERNMENT PLEADER SMT.SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITOINER'S EXHIBITS:

P1: PHOTOCOPY OF THE REGISTRATION CERTIFICATE IN THE NAME OF "THRIVENI" DT.10.10.1988.

P2: PHOTOCOPY OF THE AGREEMENT DT.6.7.1989 EXECTUED BETWEEN THE PETITIOENR AND 9 OTHERS.

P3: PHOTOCOPY OF THE AGREEMENT DT.6.12.94.

P4: PHOTOCOPY OF THE REMAND ORDER DT.22.11.99 ISSUED BY R2.

P5: PHOTOCOPY OF THE FRESH FINAL DETERMINATION ORDER DT.3.4.2000.

P6: PHOTOCOPY OF REGISTERED COVER COMMUNICATED BY R2 TO THE PETITIONER DT.20.9.2001.

P7: TYPED COPY OF THE APPEAL MEMORANDUM DT.7.11.2001 PREFERRED BY THE PETITIONER BEFORE R1.

P8: TYPED COPY OF THE STAY PETITION DT.7.11.2001 PREFERRED BY PETITIONER BEFORE R1.

P9:PHOTOCOPY OF ORDER IN APPEAL ON 19.12.2001.

P10: PHOTOCOPY OF THE ORDER DT.9.5.03.

P11: PHOTOCOPY OF THE STAY ORDER DT.23.6.2003 ISSUED BY R2 TO PETITIONER IN APPEAL NO.13219/52/03/LBR.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.22606 of 2003

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Dated this the 5th day of February, 2007.

JUDGMENT

Standing Counsel for second respondent submitted that after filing of W.P. final adjudication is set aside and remanded in appeal. However, strangely fresh proceedings are not issued after remand. The second respondent has reported that petitioner is not co-operating in the enquiry. Even if petitioner does not co-operate in the enquiry, it is the duty of the second respondent to determine the liability based on data gathered on enquiry. In the circumstances, second respondent is directed to issue notice to the petitioner and if he appears, hear his objections and in any case finalise the adjudication proceedings within one month from date of receipt of copy of this judgment.

The W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms